

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

BRANDON HOUSER,

Plaintiff,

v.

SAMUEL REILLY, et al.,

Defendants.

Civil Action No. 17-1879 (CCC)

ORDER

CECCHI, District Judge.

WHEREAS on August 9, 2019, Plaintiff Brandon J. Houser filed an application to dismiss his complaint against all Defendants (ECF No. 24); and

WHEREAS the Court construes this letter as a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i); and

WHEREAS Federal Rule of Civil Procedure 41(a)(1)(A)(i) states that “Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing . . . a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment[.]” Fed. R. Civ. P. 41(a)(1)(A)(i); and

WHEREAS Defendants have neither filed an answer nor a motion for summary judgment; and

WHEREAS “a filing under [Federal] Rule [of Civil Procedure 41(a)(1)(A)(i)] is a notice, not a motion. Its effect is automatic: the defendant does not file a response, and no order of the district court is needed to end the action.” *In re Bath & Kitchen Fixtures Antitrust Litig.*, 535 F.3d 161, 165 (3d Cir. 2008); and

Accordingly, **IT IS** on this 4 day of October, 2019, in the interests of justice and for good cause shown:

ORDERED that Plaintiff terminated this matter on August 9, 2019 by filing a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i); and it is further

ORDERED that Plaintiff's complaint is **DISMISSED WITHOUT PREJUDICE**; and it is further

ORDERED that the Clerk shall serve a copy of this Order upon Plaintiff by regular mail, and shall **CLOSE** the file.

A handwritten signature in black ink, appearing to read 'C. Cecchi', written over a horizontal line.

Claire C. Cecchi, U.S.D.J.